

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN SPENTZ,

Defendant.

Case No. 2:08-cr-00164-KJD-GWF

ORDER

Motion to Direct Surrender of Files (#297)

This matter comes before the Court on Defendant Justin Spentz's ("Spentz") Motion to Direct Surrender of Files (#297), filed on January 22, 2013. The time to file any opposition expired on February 4, 2013. Spentz desires a copy of the file generated by his trial counsel, Gary Myers ("Myers"), in the underlying criminal matter ("File") for use in preparing a collateral attack on his conviction. Spentz represents to the Court that he has requested the File from Myers on multiple occasions but has received no response. Furthermore, the Court has previously ordered Myers to provide Spentz with a copy of the File. *See Doc. #295*. Under Nevada Rule of Professional Conduct 1.15(a), attorneys shall safeguard any client files in their possession for seven years after the termination of representation. Upon request, Spentz is entitled to the File generated for his defense in the underlying trial. Accordingly,

IT IS HEREBY ORDERED that Defendant Justin Spentz's Motion to Direct Surrender of Files (#297) is **granted**.

IT IS FURTHER ORDERED that Trial Counsel Gary Myers shall provide to Defendant Justin Spentz a copy of all documents obtained or generated for Defendant's defense in the underlying matter at Defendant's last known address: F.C.I. Phoenix, 37910 North 45th Avenue, Phoenix, Arizona 85086.

3 Gary Myers
7251 West Lake Mead Boulevard, Suite 300
4 Las Vegas, Nevada 89128

5 Gary Myers
10601 Pedal Point Place #204
6 Las Vegas, Nevada 89144

Gary Myers
10601 Pedal Point Place #204
Las Vegas, Nevada 89144

IT IS FURTHER ORDERED that Defendant Justin Spentz shall notify the Court in writing if he does not receive a copy of his File within ten days of the date of this Order.

DATED this 12th day of February, 2013.

George Foley Jr.
GEORGE FOLEY, JR.
United States Magistrate Judge